



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

STEVEN EDWARD MEDOWS,
Plaintiff,

vs.

CAYCE DEPARTMENT OF PUBLIC
SAFETY et al.,
Defendants.

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CIVIL ACTION NO. 3:07-409-HFF-BHH

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE

This is a civil rights action filed pursuant to 42 U.S.C. §§ 1983 and 1985 for a malicious prosecution Fourth Amendment violation and for libel, slander and defamation. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that this Court dismiss the Complaint as to Defendant State of South Carolina and Defendant Lexington County Solicitor's Office, *without prejudice*, and without issuance and service of process for these Defendants. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 28, 2007, and the Clerk entered Plaintiff's objections on April 4, 2007. In his objection memorandum, Plaintiff clarifies who he intended to sue within the Cayce Department of Public Safety, as requested by the Magistrate Judge in the Report. Plaintiff does not object to the Magistrate Judge's recommendation that Defendant State of South Carolina and Defendant Lexington County Solicitor's Office be dismissed. Accordingly, the Court adopts the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that in the absence of objections, the Court is not required to give any explanation for adopting the recommendation).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendant State of South Carolina and Defendant Lexington County Solicitor's Office be **DISMISSED**, *without issuance*, and without service of process.

IT IS SO ORDERED.

Signed this 26th day of July, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.